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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/007,474  | 11/07/2001  | Adel Farhan Halasa   | DN1998179D01        | 3224             |
| 7590  | 11/14/2003  |                      | EXAMINER            |                  |
| The Goodyear Tire & Rubber Company<br>Department 823<br>1144 East Market Street<br>Akron, OH 44316-0001 |             |                      | PASTERCZYK, JAMES W |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 1755                |                  |
| DATE MAILED: 11/14/2003   |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

CLOS

|                              |                                  |                         |  |
|------------------------------|----------------------------------|-------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>           | <b>Applicant(s)</b>     |  |
|                              | 10/007,474                       | HALASA ET AL.           |  |
|                              | <b>Examiner</b><br>J. Pasterczyk | <b>Art Unit</b><br>1755 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 25 September 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 and 29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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1. This Office action is in response to the amendment filed 9/25/03 and refers to the Office action mailed 9/12/03.
2. The rejections and objections of the previous Office action are withdrawn due to amendment and convincing argument in favor of those given below.
3. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the fourth line it is not clear what the difference between an amine and an amide is; in inorganic chemistry an amine is a neutral ligand or compound, while an amide is of the formula -NR<sub>2</sub>. The group -C(O)NR<sub>2</sub> is called a carbamide in inorganic nomenclature.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-20 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al., USP 5,100,965 (hereafter referred to as Hsu) in view of Fujio as cited in the previous Office action.

Hsu discloses the invention substantially as claimed (abstract).

Hsu lacks disclosure that calcium alkoxides and barium alkoxides are art-recognized equivalents.

However, Fujio teaches just this point (abstract).

It would have been obvious to one of ordinary skill in the art to apply the teaching of Fujio to the disclosure of Hsu with a reasonable expectation of obtaining a highly-useful catalyst with the expected benefit of being able to modulate the rate of the reaction being catalyzed.

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6. Claims 1-20 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halasa, USP 3,674,760 (hereafter referred to as Halasa) in view of Fujio as discussed above.

Halasa discloses the invention substantially as claimed (abstract).

Halasa lacks disclosure that a calcium alkoxide can also be included in the catalyst.

However, Fujio teaches that in catalysts used for this purpose the addition of calcium alkoxides is conventional in the art (abstract).

It would have been obvious to one of ordinary skill in the art to apply the teaching of Fujio to the disclosure of Halasa with a reasonable expectation of obtaining a highly-useful catalyst with the expected benefit of being able to modulate the rate of the reaction being catalyzed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Pasterczyk whose telephone number is 703-308-3497. The examiner can normally be reached on M-F from 9 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell, can be reached on (703) 308-3823. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

JP

11/7/03

  
Mark L. Bell  
Supervisory Patent Examiner  
Technology Center 1700